

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: HOMETOWN SILVER CREEK LLC AND HOMETOWN FIVE SEASONS DAVENPORT LLC	DOCKET NO. DRU-03-1
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**ORDER GRANTING INTERVENTION, REQUESTING ADDITIONAL
INFORMATION, AND SETTING DATE FOR ORDER**

(Issued January 31, 2003)

On January 2, 2003, Hometown Silver Creek LLC and Hometown Five Seasons Davenport LLC (Petitioners) filed a petition with the Utilities Board (Board) requesting a declaratory order that Board rule 199 IAC 21.3 is not applicable to the provision of water service by Petitioners to individual residents in the two manufactured home communities owned and operated by Petitioners. The petition was filed pursuant to the provisions of Iowa Code § 17A.9 and Board rule 199 IAC 4.1. The specific fact situation on which Petitioners requested the declaratory order involves the submetering by Petitioners of the homes in the communities that they own. In the alternative, Petitioners request the Board grant a waiver of the rule, if the Board finds the rule applies to Petitioners' operations.

The Board on January 7, 2003, issued an order setting out the facts to be considered, setting a date for interventions, and setting a date for replies. On January 17, 2003, the Consumer Advocate Division of the Department of Justice

(Consumer Advocate) filed for intervention. Consumer Advocate points out that Petitioners are managed by Hometown American Management, Inc. (Hometown Management), a management affiliate, and that all homes managed by Hometown Management should be considered for determining the Board's jurisdiction. Consumer Advocate argues that even if Petitioners are not public water utilities subject to Board jurisdiction under Iowa Code § 476.1, the manufactured home community residents are still customers of Iowa-American for purposes of the application of Board rules and Iowa-American cannot provide service to Petitioners if that service would violate Board rules.

On January 24, 2003, Petitioners filed a reply to Consumer Advocate's intervention. In the reply, Petitioners reiterate their position that the Board does not have jurisdiction over the water service they provide to their manufactured home residents. Petitioners agree to only charge the residential rates of Iowa-American Water Company if the Board finds it has jurisdiction over water service to Petitioner's residents.

The Board will grant intervention to Consumer Advocate and request additional information from Petitioners concerning their compliance with Iowa Department of Natural Resources (IDNR) regulations regarding public water suppliers and their relationship to Hometown Management. This information is needed to allow the Board to determine whether Petitioners are engaged in the public supply of water. Petitioners are requested to provide the following information:

1. Describe the corporate relationship between Petitioners and Hometown Management and between Hometown Management and all other residential communities managed by Hometown Management.

2. Provide a list of the names, locations, type of water supply, and number of homes for each community managed by Hometown Management in Iowa.

3. Provide the IDNR public water supply identification number for each community managed by Hometown Management.

4. Provide the dates reference samples have been provided to IDNR by Hometown Management and the communities where these samples were taken.

5. Provide the dates for each annual fee paid by Hometown Management to the IDNR and for which communities the fees were paid.

The Board will consider the request for a declaratory order after it receives the additional information and will issue an order on or before March 3, 2003, as required by Iowa Code § 17A.9(5).

IT IS THEREFORE ORDERED:

1. The Consumer Advocate Division of the Department of Justice is granted intervention in this proceeding.

2. Hometown Silver Creek LLC and Hometown Five Seasons Davenport LLC shall file the additional information described in this order by February 7, 2003.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 31st day of January, 2003.